

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

GLEN DALE JOHNSON,)
Petitioner,)
v.) Case No. 2:22-cv-00217-RDP-JHE
JOSEPH H. HEADLEY, et al.,)
Respondents.)

MEMORANDUM OPINION

Petitioner Glen Dale Johnson filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. 1). On January 27, 2023, the Magistrate Judge entered a Report and Recommendation recommending that the court grant Respondents' motion for summary dismissal and dismiss the petition with prejudice. (Doc. 21). Although the Magistrate Judge advised the parties of their right to file written objections within 14 days, the court has not received any objections.

After careful consideration of the record in this case and the Magistrate Judge's Report and Recommendation, the court **ADOPTS** the Report and **ACCEPTS** the Recommendation. Consistent with that recommendation, the court finds that Respondents' motion for summary dismissal is due to be granted and Johnson's petition for a writ of habeas corpus (Doc. 1) is due to be dismissed with prejudice.

This court may issue a certificate of appealability "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). To make such a showing, a "petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong," *Slack v. McDaniel*, 529 U.S. 473, 484

(2000), or that “the issues presented were adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (internal quotations omitted). The court finds Johnson’s claims do not satisfy either standard.

A Final Judgment will be entered.

DONE and **ORDERED** this February 21, 2023.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE